

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ONONDAGA

LG 35 DOE

Plaintiff,

vs.

SUMMONS

ROMAN CATHOLIC DIOCESE OF
SYRACUSE NEW YORK
240 E. Onondaga Street
Syracuse, New York 13202

ST. JOSEPH & ST. PATRICK CHURCH
702 Columbia Street
Utica, New York 13502

Defendants.


TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the Complaint in this action and to serve a copy of your answer, or, if the Complaint is not served with this Summons, to serve a notice of appearance, on the Plaintiff's Attorneys within TWENTY (20) DAYS after the service of this Summons, exclusive of the day of service (or within THIRTY (30) DAYS after the service is complete if this Summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

Onondaga County is designated as the place of trial on the basis on the Defendant's place of business located in Syracuse, New York.

DATED: Buffalo, New York
November 6, 2019

LIPSITZ GREEN SCIME CAMBRIA LLP

By: 
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STATE OF NEW YORK
SUPREME COURT : COUNTY OF ONONDAGA

LG 35 DOE

Plaintiff,

COMPLAINT

vs.

ROMAN CATHOLIC DIOCESE OF
SYRACUSE NEW YORK
240 E. Onondaga Street
Syracuse, New York 13202

ST. JOSEPH & ST. PATRICK CHURCH
702 Columbia Street
Utica, New York 13502

Defendants.

Plaintiff, above named, by his attorneys, LIPSITZ GREEN SCIME CAMBRIA
LLP, for his Complaint against Defendants, alleges:

**AS AND FOR A FIRST CAUSE OF ACTION AGAINST
DEFENDANTS, ABOVE NAMED, HEREIN,
PLAINTIFF, LG 35 DOE, ALLEGES AS FOLLOWS:**

1. Plaintiff, LG 35 DOE, is a resident of the State of Florida.
2. This action is commenced pursuant to the provisions of the Child Victims Act.
3. At the time of the incidents set forth herein, Plaintiff, LG 35 DOE, (hereinafter referred to as "THE CHILD") was an infant having been born in 1945.
4. Upon information and belief, at all times herein mentioned, Defendant, ROMAN CATHOLIC DIOCESE OF SYRACUSE NEW YORK, was and still is a domestic not-for-profit corporation duly organized and existing under and by virtue of the laws of the State of New York and maintains an office for the transaction of business located within the County of Onondaga and State of New York.

5. Upon information and belief, at all times herein mentioned, Defendant, ST. JOSEPH & ST. PATRICK CHURCH, hereinafter referred to as "ST. JOSEPH", was and still is a not-for-profit religious organization duly organized and existing under and by virtue of the laws of the State of New York, operating by and through Defendant, ROMAN CATHOLIC DIOCESE OF SYRACUSE NEW YORK and maintains an office for the transaction of business located at 702 Columbia Street, Utica, New York 13502.

6. Defendants, ROMAN CATHOLIC DIOCESE OF SYRACUSE NEW YORK, and ST. JOSEPH & ST. PATRICK CHURCH, are hereinafter collectively referred to as "THE ROMAN CATHOLIC CHURCH."

7. Upon information and belief, at all times herein mentioned, FREDDY STERLING was the janitor of the defendant, ST. JOSEPH, church and school, (hereinafter referred to as "THE CHILD MOLESTER") and was hired and employed by THE ROMAN CATHOLIC CHURCH.

8. Upon information and belief, THE CHILD MOLESTER, is deceased and/or cannot be located.

9. According to THE ROMAN CATHOLIC CHURCH doctrine, when a person physically dies, he or she lives forever through their "Soul" and according to THE ROMAN CATHOLIC CHURCH doctrine, THE CHILD MOLESTER, in all likelihood, therefore now resides in a place called "Hell" due to the sexual crimes he committed against THE CHILD and other children. Despite exercising due diligence, THE CHILD is unable to locate "Hell" to serve THE CHILD MOLESTER with the Summons and Complaint. The limitations set forth in CPLR §1601 do not apply.

10. Upon information and belief, at all times herein mentioned, THE CHILD MOLESTER was assigned to ST. JOSEPH church and school as a janitor by Defendant ROMAN CATHOLIC DIOCESE OF SYRACUSE NEW YORK, and was acting as their agent, employee or representative.

11. Upon information and belief, at all times herein mentioned, THE CHILD MOLESTER was under the direction, supervision and control of Defendant, THE ROMAN CATHOLIC CHURCH.

12. Occurring between approximately 1953 through 1955, THE CHILD MOLESTER sexually assaulted and committed battery upon THE CHILD at ST. JOSEPH school and said assault and battery constituted sexual offenses as defined in Article 130 of the Penal Law.

13. The sexual crimes by THE CHILD MOLESTER herein were willful, malicious and intentional and resulted in injury to THE CHILD.

14. As a direct result of conduct by THE CHILD MOLESTER as described herein, THE CHILD, has suffered, and continues to suffer great physical and emotional pain of mind and body, shock, emotional distress, physical manifestations of emotional distress, flashbacks, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life, was prevented and will continue to be prevented from performing daily activities and obtaining full enjoyment of life, and has incurred and will continue to incur expenses for medical psychological treatment, therapy and counseling.

15. This action falls within one or more of the exceptions set forth in CPLR §1602.

16. As a result of the foregoing, THE CHILD, has sustained general and special damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

17. As a result of the foregoing, THE CHILD, claims punitive damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A SECOND CAUSE OF ACTION AGAINST
DEFENDANT, THE ROMAN CATHOLIC CHURCH, HEREIN:**

18. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in paragraphs "1" through "17" of this Complaint with the same force and effect as if fully set forth herein.

19. Upon information and belief, Defendant, THE ROMAN CATHOLIC CHURCH, trained, hired, selected and approved THE CHILD MOLESTER as a janitor at ST. JOSEPH church and school, placing him in a position with authority and power over THE CHILD, a student at ST. JOSEPH.

20. Defendant, THE ROMAN CATHOLIC CHURCH, knew or reasonably should have known of the propensities of THE CHILD MOLESTER to commit acts of sexual assault, battery, rape and other sexual crimes against THE CHILD and other children.

21. Upon information and belief, prior to the incident set forth herein, Defendant, THE ROMAN CATHOLIC CHURCH, was aware and was otherwise on actual notice that a number of its employees, were sexually abusing and/or sexually assaulting and/or molesting and/or raping children.

22. Defendant, THE ROMAN CATHOLIC CHURCH, failed to warn and/or disclose to THE CHILD and/or the parents of THE CHILD of the danger THE CHILD MOLESTER posed to THE CHILD.

23. Defendant, THE ROMAN CATHOLIC CHURCH, failed to warn and/or disclose to THE CHILD and/or the parents of THE CHILD of the danger its employee posed to THE CHILD and other children.

24. Upon information and belief, the aforesaid incidents and resultant injury and damages to THE CHILD were caused as a result of the negligence, carelessness and recklessness of Defendant, THE ROMAN CATHOLIC CHURCH,

in the training, hiring, selecting and assignment of THE CHILD MOLESTER.

25. The acts and/or omissions of Defendant, THE ROMAN CATHOLIC CHURCH, constitute reckless disregard for the safety of THE CHILD and other children.

26. As a result of the foregoing, THE CHILD has sustained general and special damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A THIRD CAUSE OF ACTION AGAINST
DEFENDANT, THE ROMAN CATHOLIC CHURCH, HEREIN:**

27. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in paragraphs "1" through "26" of this Complaint with the same force and effect as if fully set forth herein.

28. Upon information and belief, the aforesaid incidents and resultant injury to THE CHILD, were caused as a result of the negligence, carelessness and recklessness of Defendant, THE ROMAN CATHOLIC CHURCH, in the retaining of THE CHILD MOLESTER.

29. The acts and/or omissions of Defendant, THE ROMAN CATHOLIC CHURCH, constitute reckless disregard for the safety of THE CHILD and other children.

30. As a result of the foregoing, THE CHILD has sustained general and special damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A FOURTH CAUSE OF ACTION AGAINST
DEFENDANT, THE ROMAN CATHOLIC CHURCH, HEREIN:**

31. Plaintiff repeats, reiterates and re-alleges each and every allegation contained in paragraphs "1" through "30" of this Complaint with the same force and effect as if fully set forth herein.

32. Upon information and belief, the aforesaid incidents and resultant injury to THE CHILD, were caused as a result of the negligence, carelessness and recklessness

of Defendant, THE ROMAN CATHOLIC CHURCH, in supervising THE CHILD MOLESTER.

33. The acts and/or omissions of Defendant, THE ROMAN CATHOLIC CHURCH, constitute reckless disregard for the safety of THE CHILD and other children.

34. As a result of the foregoing, THE CHILD has sustained general and special damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiff demands judgment against Defendants, either jointly or severally, in the First, Second, Third and Fourth Causes of Action in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction, and for such other, further or different relief as the Court may deem just and proper, together with the costs and disbursements of the action.

DATED: Buffalo, New York
November 6, 2019

LIPSITZ GREEN SCIME CAMBRIA LLP

By: 
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